

REMARKS

Original claims 1 – 24 remain in the application. Claims 1, 4, 6, 7, 8, 9 and 14 have been amended. New claims 25 and 26 have been added. Claims 15 – 24 stand withdrawn from further consideration in this application because they relate to a non-elected invention.

The Examiner is asked to reconsider and withdraw the rejections based on Collins et al. U.S. 2003-0026873 A1. There is a basic difference between the claimed invention and the method disclosed by Collins U.S. 2003-0026873 A1. In the claimed invention a layer of color candy beads is provided on a substantially flat support surface. Then, a vacuum carrier having a predetermined pattern of openings in its lower carrier surface, and a vacuum chamber above such openings, is placed down onto the candy beads. A vacuum is connected to the chamber and used for picking up only the predetermined pattern of candy beads on the lower carrier surface. The remaining beads are left on the substantially flat support surface. The carrier is then used to move the predetermined pattern of candy beads over to the sheet candy member. In contrast, in Collins U.S. 2003-0026873 A1, the pattern of colored beads is determined by openings 5 in the members 1 or 20.

Collins U.S. 2003-0026873 A1 does not show the edible adhesive specified in claims 2, 5 and 8. Claims 4 – 6 and 12 – 14 specify using a vacuum carrier for transferring first and second patterns of candy beads from a substantially flat support surface over to the sheet candy member. For each pattern, a vacuum chamber is provided above openings in the carrier surface of a vacuum carrier. Vacuum is applied to the first vacuum chamber for picking up the first predetermined pattern of candy beads while leaving the remaining candy beads on the substantially flat support surface. Then, after the first predetermined pattern of candy beads has

been transferred to the sheet candy member, a vacuum is applied to the second vacuum chamber for picking up the second predetermined pattern of candy beads and transferring them to the sheet candy member while leaving the remaining candy beads on the substantially flat support surface.

Claims 7 – 9 specify a third predetermined pattern of openings in the carrier surface of a vacuum carrier and the use of the vacuum carrier to pick up a third predetermined pattern of candy beads and transferring such pattern to the sheet candy member, while leaving the remaining beads on the substantially flat support surface. This use of the specified vacuum carrier is neither taught by nor obvious from Collins et al. U.S. 2003-0026873 A1.

As previously stated, Collins et al. U.S. 2003-0026873 A1 does not disclosed providing an edible adhesive on the upper surface of the sheet candy member. It does not disclose using three predetermined patterns of colored candy beads to form a cartoon picture, as specified by claim 9. It does not disclose using a sheet of plastic on the planar support surface and using vacuum to connect the sheet candy member and the sheet plastic to the planar support surface, as specified by claim 10. It does not teach using a fruit flavored candy member as specified by claim 11. It does not disclose vibrating the substantially flat support surface to cause the colored candy beads to move into close contact with each other on the substantially flat surface, without any of the candy beads being situated on top of other candy beads, as specified by claim 12. It does not disclose positioning a press over the candy beads and using the press to push the candy beads into the sheet candy member, as specified by claim 13.

New claim 25 depends from claim 1 and specifies that a single vacuum carrier includes both the first and second predetermined pattern of openings in its

lower carrier surface, a first vacuum chamber above the first predetermined pattern of openings and a second vacuum chamber above the second predetermined pattern of openings. This combination is neither disclosed by nor obvious from Collins et al. U.S. 2003-0026873 A1.

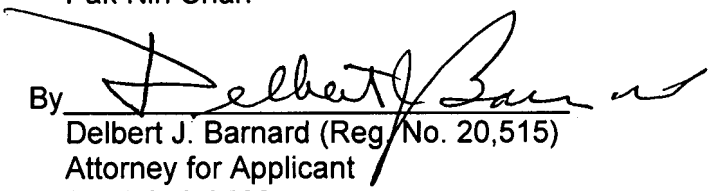
New claim 26 depends from claim 25 and specifies that the same vacuum carrier has the third predetermined pattern of openings in its lower carrier surface, and a third vacuum chamber above the third predetermined pattern of openings. This combination of claim 26 is neither disclosed by nor obvious from Collins et al. U.S. 2003-0026873 A1.

For the reasons set forth above, it is submitted that claims 1 – 14, 25 and 26 are neither disclosed by nor obvious from Collins et al. U.S. 2003-0026873 A1. Accordingly, early reconsideration and allowance of the application are requested.

Respectfully submitted,

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